IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 3RD AUGUST 2007 / 12TH SRAVANA 1929

Crl.MC.No. 2487 of 2007()

CC.916/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT, PATTAMBI

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PETITIONER:

KAREEM @ ABDUL KAREEM,
S/O.MUHAMMED,
CHEMMAD, KOTTAKAL,
PUTHUR, MALAPPURAM DIST.

BY ADV. SMT.SHAIMA .U.
SRI.SUNIL V.MOHAMMED

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY THE S.I.POLICE,
PATTAMBI POLICE STATION ,
THROUGH THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.M.S.BREEZ

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03 .08.2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Crl.M.C.Nos.2487 & 2488 of 2007

Dated this the 3rd day of August, 2007

O R D E R

The common petitioner is the 2nd accused in two cases pending before the Judicial Magistrate of the First Class, Pattambi, both registered under Sections 454, 380 and 461 r/w 34 I.P.C. The petitioner had entered appearance in these two cases. But as he did not appear before the learned Magistrate, the learned Magistrate has issued non bailable warrant to procure the presence of the petitioner. Coercive steps taken by the learned Magistrate are chasing the petitioner now.

2. According to the learned counsel for the petitioner, the petitioner is absolutely innocent. The petitioner's absence was not wilful. He is willing to surrender before the learned Magistrate and seek regular bail, but he apprehends that his application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. It is therefore prayed that directions under Section 482 Cr.P.C may be issued in favour of the petitioner.

2. It is for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate.

I have no reason to assume that the learned Magistrate would not consider such application on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police [**2003(1) KLT 339].

3. These Crl.M.Cs are, in these circumstances, dismissed, but with the specific observation that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously - on the date of surrender itself.

4. Hand over a copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

rtr/-

//true copy// PA to Judge